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09/721,437	11/22/2000	Paul Haerberli	11087-032001	2323

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EXAMINER

YANG, RYAN R

ART UNIT	PAPER NUMBER
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2672

DATE MAILED: 12/02/2003

7

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/721,437

Applicant(s)

HAEBERLI ET AL.

Examiner

Ryan R Yang

Art Unit

2672

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 7/28/2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☒ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is responsive to communications: Response, filed on 7/28/2003.

This action is non-final.

2. Claims 1-27 are pending in this application. Claims 1, 26 and 27 are independent claims.
3. This application is a CIP of application number 09/684,595 filed 10/05/2000.
4. The present title of the invention is "Previewing and manipulating a framed image print" as filed originally.

Claim Rejections - 35 USC § 102

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
6. Claim 1-9, 11, 18 and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Oles (US 6,047,130).

As per claim 1, Oles discloses a method of generating a frame prototype image showing a picture image framed within a frame, the method comprising:

providing a frame image showing the frame in a perspective view, the frame image having a picture portion corresponding to the portion of the frame used to view a picture mounted in the frame (Figure 4 26);

mapping the picture image to the picture portion of the frame image in order to generate the frame prototype image (Figure 3 24 to Figure 4); and

providing an enhanced edit set along with the frame image, the enhanced edit set including user manipulatable tools for editing either the picture or the frame in the perspective view (Figure 3 22).

7. As per claim 2, Oles demonstrated all the elements as applied to the rejected independent claim 1, supra, and further discloses identifying a picture portion of the frame image (Figure 3 24).

8. As per claim 3, Oles demonstrated all the elements as applied to the rejected dependent claim 2, supra, and further discloses identifying the picture portion of the frame image includes providing a mat identifying the picture portion of the frame image (Figure 3 26).

9. As per claim 4, Oles demonstrated all the elements as applied to the rejected dependent claim 3, supra, and further discloses the mat includes a plurality of pixels, each pixel having a pixel value (since the display device is a computer display, it is inherent that the image is represented by a plurality of pixels).

10. As per claim 5, Oles demonstrated all the elements as applied to the rejected dependent claim 4, supra, and Oles further discloses identifying the picture portion of the frame image includes setting each pixel in the mat that corresponds to the picture portion of the frame image to a first pixel value (since pixels are used to represent a picture, it is inherent that the pixels are at certain values at any time).

11. As per claim 6, Oles demonstrated all the elements as applied to the rejected dependent claim 2, supra, and further discloses identifying the picture portion of the frame image includes identifying the outer perimeter of the picture portion of the frame image (Figure 2 when a picture is selected, its picture and frame are identified).

12. As per claim 7, Oles demonstrated all the elements as applied to the rejected independent claim 1, supra, and further discloses wherein the picture portion of the frame image has a quadrilateral shape and the method further includes identifying the picture portion of the frame image including identifying the four corners of the picture portion (Figure 2 shows the picture is quadrilateral shape and since the picture is movable, its four corners are identified).

13. As per claim 8, Oles demonstrated all the elements as applied to the rejected independent claim 1, supra, and further discloses displaying the frame prototype image (Figure 3 62).

14. As per claim 9, Oles demonstrated all the elements as applied to the rejected independent claim 1, supra, and further discloses wherein mapping the picture image to the picture portion of the frame image includes texture mapping the picture image to the picture portion of the frame image (Figure 4 26 to Figure 5 26).

15. As per claim 11, Oberg demonstrated all the elements as applied to the rejected independent claim 1, supra, and further discloses the frame image is captured using a digital camera (Figure 1 50 the CCD connected to 54 the computer).

16. As per claim 18, Oberg demonstrated all the elements as applied to the rejection of independent claim 1, supra, and further discloses the enhanced image set includes a rotation tool and the method includes

rotating the picture image in the frame in accordance with user instructions ("the operator being able to manipulated or post-process the video image in a variety of ways including reducing or enlarging the image, rotating the image, or repositioning the image on the video portrait viewer 20", column 4, line 52-55); and

presenting the rotated picture image in the frame of the framed image (Figure 3).

17. As per claim 26, Oles discloses a computer program product tangibly embodied in a computer-readable medium, for generating a frame prototype image showing a picture image framed within a frame, comprising instructions operable to cause a computer to:

receive the picture image ("computer 54 sends an activation signal to video charge coupled device (CCD) camera 50 to take or acquire a video image of subject 60", column 4, line 13-15);

store a frame image showing the frame in a perspective view and a mat identifying the picture portion of the frame image (Figure 4 24);

map the picture image to the picture portion of the frame image in order to generate the frame prototype image (Figure 3 24 to Figure 4 24); and

provide an enhanced edit set along with the frame prototype image, the enhanced edit set including user manipulatable tools for editing either the picture or the frame in the perspective view (Figure 3 22).

Claim Rejections - 35 USC § 103

18. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

19. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Oles and further in view of Kurashige (US 5,282,262).

As per claim 10, Oles demonstrated all the elements as applied to the rejected independent claim 1, supra.

Oles discloses a system of generating a frame prototype image. It is noted that Oles does not explicitly disclose "mapping the picture image to the picture portion of the frame image includes mapping the picture image to the picture portion of the frame image using the illumination of the picture portion of the frame image", however, this is known in the art as taught by Kurashige. Kurashige discloses a method of transforming a two-dimensional image by illumination on a three-surface (Figure 4A-4B).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Kurashige into Oles because Oles discloses a system of generating a frame prototype image and Kurashige discloses mapping an image into an illuminated region in order to make the image more realistic.

20. Claims 12-17, 19-22 and 24-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oles and further in view of Oberg (US 5,870,771).

21. As per claim 12, Oles demonstrated all the elements as applied to the rejection of independent claim 1, supra.

Oles discloses a method of generating a frame prototype image. It is noted that Oles does not explicitly disclose the enhanced image set includes a cropping tool, however, this is known in the art as taught by Oberg. Oberg discloses a cropping tool and the method includes

cropping the picture in accordance with user instruction (The digital image can be modified at 36 as the software allows the customer to crop the edges", column 6, line 1-3); and

presenting the cropped picture in the picture portion of the frame image (Figure 2B 52).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Oberg into Oles because Oles discloses a method of generating a framed prototype image and Oberg discloses the image can be cropped in order to display desired picture portion.

22. As per claim 13, Oles demonstrated all the elements as applied to the rejection of independent claim 1, supra.

Oles discloses a method of generating a frame prototype image. It is noted that Oles does not explicitly disclose the enhanced image set includes a border tool, however, this is known in the art as taught by Oberg. Oberg discloses a border tool and the method includes

adjusting the border of the picture in accordance with user instructions ("allows the customer to adjust sizes and colors of the frame", column 6, line 64); and

presenting the picture including new border in the picture portion of the frame image (Figure 2C Create order template and output composite image of selection).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Oberg into Oles because Oles discloses a method of generating a framed prototype image and Oberg discloses the image can be bordered in order to display desired picture portion.

23. As per claim 14, Oles demonstrated all the elements as applied to the rejection of independent claim 1, *supra*.

Oles discloses a method of generating a frame prototype image. It is noted that Oles does not explicitly disclose the enhanced image set includes an effects tool, however, this is known in the art as taught by Oberg. Oberg discloses an effect tool and the method includes

applying an effect to the picture in accordance with user instructions ("The digital image can then be modified at 36 ..., or alter the image in some other way such as changing colors or features, or combining the original image with portions from other digital images", column 6, line 1-6); and

presenting the picture including selected effect in the picture portion of the frame image (Figure 2B 52).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Oberg into Oles because Oles discloses a method of generating a framed prototype image and Oberg discloses the image can be effected in order to enhance the image.

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24. As per claim 15, Oles and Oberg demonstrated all the elements as applied to the rejection of claim 14, supra.

As for selecting the effect from the group consisting of black & white, soft focus, color tone and saturate, since these features are notoriously well known in the art in creating special effects image, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate theses features in order to have a more expressive appearance of the image.

25. As per claim 16, Oles and Oberg demonstrated all the elements as applied to the rejection of claim 14, supra, and Oberg further discloses the effect applied is color tone and the method further comprises

receiving color tone adjustment data and presenting a color tone adjusted picture in the picture portion of the frame ("The digital image can then be modified at 36 ..., or alter the image in some other way such as changing colors or features", column 6, line 1-5).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Oberg into Oles because Oles discloses a method of generating a framed prototype image and Oberg discloses the image can be effected in order to enhance the image.

26. As per claim 17, Oles demonstrated all the elements as applied to the rejection of independent claim 1, supra.

Oles discloses a method of generating a frame prototype image. It is noted that Oles does not explicitly disclose a rotation tool, however, this is known in the art as taught by Oberg. Oberg discloses a rotating tool and the method includes

rotating the frame in accordance with user instructions ("Figure 4 illustrates this capability by showing a number of composite images 80 with different locations, orientations, and shapes of openings in the matting material", column 7, line 55-57. Thus, indicating rotating capability of the frame by the software controllable by the user); and

presenting the rotated framed in the framed image (Figure 4 illustrates this capability by showing a number of composite images 80 with different locations, orientations, and shapes of openings in the matting material", column 7, line 55-58).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Oberg into Oles because Oles discloses a method of generating a framed prototype image and Oberg discloses the image can be rotated in order to set the image to the desired orientation.

As for rotating the frame, since the image can be rotated, it would have been obvious to one of ordinary skill in the art to consider rotating the frame as well in order to fit the image into the frame.

27. As per claim 19, Oles demonstrated all the elements as applied to the rejection of independent claim 1, *supra*.

Oles discloses a method of generating a frame prototype image. It is noted that Oles does not explicitly disclose the enhanced image set includes a border tool,

however, this is known in the art as taught by Oles. Oles discloses a boarder tool and the method includes receiving a border width selection ("The widths of the matting along any side of the artwork is variable and selectable", column 6, line 43-44, indicating the width information is received);

adjusting the border width of the picture image in accordance with the border width selection ("The widths of the matting along any side of the artwork is variable and selectable", column 6, line 43-44, indicating the width is adjusted); and

presenting the picture image including adjusted border in the framed image (Figure 2B 52).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Oberg into Oles because Oles discloses a method of generating a framed prototype image and Oberg discloses the image can be boardered in order to enhance the boardered image.

28. As per claim 20, Oles demonstrated all the elements as applied to the rejection of independent claim 1, *supra*.

Oles discloses a method of generating a frame prototype image. It is noted that Oles does not explicitly disclose the enhanced image set includes a frame adjustment button, however, this is known in the art as taught by Oberg. Oberg discloses a frame adjustment button and the method includes

receiving a frame size selection ("The widths of the matting along any side of the artwork is variable and selectable, and the framing projects can be of any size", column 6, line 43-45. Thus, indicating a frame size is selectable.);

changing a size of the frame in the perspective view in accordance with the frame size selection ("The widths of the matting along any side of the artwork is variable and selectable, and the framing projects can be of any size", column 6, line 43-45.);

mapping the picture image to a picture portion of the new size frame (Figure 2B 50); and

presenting the picture image in the framed image (Figure 2B 52).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Oberg into Oles because Oles discloses a method of generating a framed prototype image and Oberg discloses the image frame can be adjusted in order to enhance the appearance of the boarded image.

29. As per claim 21, Oles demonstrated all the elements as applied to the rejection of independent claim 1, *supra*.

Oles discloses a method of generating a frame prototype image. It is noted that Oles does not explicitly disclose the enhanced image set includes a trimming tool, however, this is known in the art as taught by Oberg. Oberg discloses a trimming tool and the method includes

trimming the picture image in accordance with user instructions (Figure 2A 36 "The digital image can then be modified at 36 as the software allows the customer to crop the edges, delete unnecessary or undesirable portions of the image", column 6, line 1-3); and

presenting the trimmed picture image in the frame of the framed image (Figure 2B 52).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Oberg into Oles because Oles discloses a method of generating a framed prototype image and Oberg discloses the image can be trimmed in order to display desired picture portion.

30. As per claim 22, Oles demonstrated all the elements as applied to the rejection of independent claim 1, *supra*.

Oles discloses a method of generating a frame prototype image. It is noted that Oles does not explicitly disclose the enhanced image set includes a delight me tool, however, this is known in the art as taught by Oberg. Oberg discloses a delight me tool and the method includes

activating the delight me tool upon user request ("the system allows the customer to choose whether to have the system analyze the image at 38", column 6, line 8-9);

automatically selecting a feature or effect to apply to the framed image (Figure 2A 42 "the database 42 is an expert system that emulates store personnel who are trained in selecting coordinating combinations of frame moulding and matting material based on the color combination and subject matter of the artwork", column 6, line 5-18);

applying the selected feature to the framed image (Figure 2A 44); and

presenting the framed image (Figure 2A 52).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Oberg into Oles because Oles

discloses a method of generating a framed prototype image and Oberg discloses the image frame can be adjusted in order to enhance the appearance of the image.

31. As per claim 24, Oles and Oberg demonstrated all the elements as applied to the rejection of claim 22, supra, and Oberg further discloses the step of automatically selecting a feature or effect includes selecting a feature or effect to apply to the picture image ("The software is also capable of analyzing the input image for color composition, determining dominant and secondary colors, and presenting combinations that complement the artwork", column 6, line 24-27).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Oberg into Oles because Oles discloses a method of generating a framed prototype image and Oberg discloses the image frame can be adjusted in order to enhance the appearance of the image.

32. As per claim 25, Oles demonstrated all the elements as applied to the rejection of claim 1, supra.

Oles discloses a method of generating a frame prototype image. It is noted that Oles does not explicitly disclose the step of automatically selecting a feature or effect includes selecting a feature or effect to apply to the frame, however, this is known in the art as taught by Oberg. Oberg discloses "the software in the present invention allows him to search according to various input criteria such as types of materials for frame molding, matting material colors, cost, or whether he desires a ready-made frame or a custom-made frame" (column 6, line 31-35).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Oberg into Oles because Oles discloses a method of generating a framed prototype image and Oberg discloses the image frame can be adjusted in order to enhance the appearance of the image.

33. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Oles (6,047,130) and further in view of Morris (6,453,361).

As per claim 27, Oles discloses a system for generating a frame prototype image showing a picture image framed within a frame, the system comprising:

a client computer in communication with a computer network (Figure 1 20 and 48 are clients, together with 54 formed a network);

a server, in communication with a computer network, having server software embodied in a computer-readable medium, the server software comprising instructions operable to cause the server to:

receive the picture image from the client computer (Figure 1 48);

store a frame image showing the frame in a perspective view and a mat identifying the picture portion of the frame image (Figure 4 26 as frame and 24 as mat);

map the picture image to the picture portion of the frame image in order to generate the frame prototype image (Figure 3 24 to Figure 4 24); and

present an enhanced edit set along with the frame prototype image, the enhanced edit set including user manipulatable tools for editing either the picture or the frame in the perspective view (Figure 3 22); and

wherein the client computer includes client software embodied in a computer readable medium, the client software comprising instructions operable to cause the client computer to upload the picture image to the server (Figure 1 20 and 48).

Oles discloses a method of generating a frame prototype image. It is noted that Oles does not explicitly disclose the client software contains instructions to cause client computer to upload the picture image to the server, however, this is known in the art as taught by Morris. Morris discloses a photo-service website in which the photo image can be uploaded to a photo-sharing website (column 1, line 28-29).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Morris into Oberg because Oberg discloses a method of generating a frame prototype image and Morris discloses the images can be uploaded to a server in order to be shared by multiple users.

34. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Oles and Oberg (US 5,870,771) as applied to claim 22 above, and further in view of Freeman et al. (US 6,356,288).

As per claim 23, Oles and Oberg demonstrated all the elements as applied to the rejection of claim 22, supra.

Oles and Oberg disclose a method of generating a frame prototype image. It is noted that Oles and Oberg do not explicitly disclose automatically selecting a feature includes randomly selecting a feature, however, this is known in the art as taught by Freeman et al., hereinafter Freeman. Freeman discloses a software agent in which it

could "select randomly or according some other scenario from among the cinematographic effects available" (column 2, line 20-23).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Freeman into Oles and Oberg because Oles and Oberg disclose a method of generating a frame prototype image and Freeman discloses the feature of the effects can be randomly selected in order to mask latency.

Response to Arguments

35. Applicant's arguments with respect to claims 1-27 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

36. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Inquiries

37. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Ryan Yang** whose telephone number is **(703) 308-6133**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Michael Razavi**, can be reached at **(703) 305-4713**.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

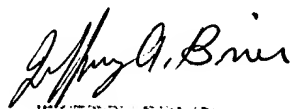
or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 305-47000377.

Ryan Yang
November 24, 2003


JEFFERY BRIEN
PRIMARY EXAMINER